

REMARKS

The Examiner has rejected claims 1, 4, and 7-8 under 35 U.S.C. §103(a) as being unpatentable over Maruyama et al. (US 6,525,856), hereinafter Maruyama.

Before addressing the Examiner's obviousness rejection, the Applicants would point out that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Last, the prior art reference (or references, when combined) must teach or suggest all the claim limitations. Moreover, the teaching or suggestion to make the claimed combination and the reasonable expectations of success must both be found in the prior art, and not based on the Applicant's disclosure. *In re Vaeck*, 947 F2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

After careful consideration, the Applicants have amended claim 1 to recite that the second optical wireless communications apparatus (40) has an optical transmitter (80) for converting a video signal into an optical signal and transmitting the optical signal (Specification page 3, lines 22-24). Claim 1 also recites that the first optical wireless communications apparatus (50) has an optical receiver (11) for receiving the optical signal transmitted by the optical transmitter of the second optical wireless communications apparatus (Specification page 6, lines 1-3). The claim also recites an optical transmitter (16) for transmitting the modulated pilot beam to the optical receiver of the second optical wireless communications apparatus (Specification page 6, lines 15-17). In addition, claim 1 recites that the pilot beam is different from the optical signal (into which a video signal is converted) and is used for optical-axis matching between the first and second optical wireless communications apparatuses (Specification page 6, line 17). The Applicants also note that claim 1 recites that the first optical wireless communications apparatus and the second optical wireless communications apparatus perform optical communication using the optical signal along the optical axes that are matched based on the pilot signal (Specification page 10, lines 2-6).

Many of the amendments identified above with regard to claim 1 have also been incorporated into claims 4, 7, and 8, as well. Thus, the discussion below relating to

claim 1 applies equally to claims 4, 7, and 8.

Thus, claim 1 now clearly sets forth that the pilot beam used for optical-axis matching is different from the optical signal that carries a video signal. In particular, the pilot beam is modulated with an external remote control signal, as recited in claims 1 and 4. Whereas in the case of claims 7 and 8, the pilot beam is modulated with a specific signal that carries information on conditions of at least either the first optical wireless communications apparatus or an apparatus connected to the first optical wireless communications apparatus. This is in contrast to the optical signal, which is made by converting a video signal, as set forth in claims 1, 4, 7, and 8.

In contrast, Fig. 4 of Maruyama teaches that the incident light L10 is separated into three light portions L1, L2, and L3 through the polarization beam splitter 54 and the half mirror 55. In particular, the light portions L1 and L2 carry video or audio data, while the light portion L3 is used for optical-axis adjustments through elements 20 to 25. In other words, Maruyama teaches that a portion of light that carries the video or audio data is used for optical-axis adjustments.

As such, the Applicants' invention clearly differs from that of Maruyama, in that the Applicants' claims recite that the optical signal is made from a video signal, while the pilot beam is made from an external remote control signal or a specific signal that carries information on conditions of at least either the first optical wireless communications apparatus or an apparatus connected to the first apparatus.

Maruyama also teaches that the video data D2 to D4, and the control signal D5 to D7 are sent together (in any arbitrary combination) from the optical radio transmission devices 7 to 9 (column 3, lines 32-45), as shown in Fig. 2. This process also occurs in Fig. 4 where the video data D2 and D4 and the control signal D5 to D7 are taken out from the received signal for use in displaying a video image (column 4, lines 19-23). However, there is no teaching or suggestion in Maruyama that the data D2 and D7 is used in optical-axis adjustments. Even if the data is used in optical-axis adjustments as the Examiner alleges, the data is a combination of the video data D2 to D4 and the control signal D5 to D7.

In contrast, the optical signal and pilot beam of the Applicants' claims are processed separately and differently. Moreover, the external remote control signal, as recited in Applicants' claims 1 and 4, is used for controlling at least either the second optical wireless communications apparatus or an apparatus connected to the second apparatus.

Thus, the external remote control signal cannot be combined with the optical signal that is transmitted from the second optical wireless communications apparatus.

As such, because each and every limitation of claims 1, 4, 7, and 8 are not taught or suggested by Maruyama, the Applicants respectfully request reconsideration by the Examiner and the issuance of a formal Notice of Allowance.

If any further issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

A handwritten signature in cursive script, reading "Edward G. Greive", is positioned above a horizontal line.

Edward G. Greive, Reg. No. 24,726
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 376-1242

Attorney for the Applicants

October 30, 2007